

EXHIBIT 12

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Page 1

1 Allan
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4
5 SANDRA GUZMAN,)
6)
7 Plaintiff,)
8)
9 vs.) 09CIV9323
-----)
NEWS CORPORATION, NYP HOLDINGS,)
INC., d/b/a THE NEW YORK POST,)
and COL ALLAN, in his official)
and individual capacities,)
Defendants.)

11 (Contains Confidential & Attorneys' Eyes Only Portions Bound Separately)

13 VIDEOTAPED DEPOSITION OF COLIN ALLAN
14 New York, New York
15 Tuesday, February 14, 2012

23 Reported by:
24 Philip Rizzuti
25 JOB NO. 46188

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1	Allan	1 Allan
2	of selecting a cartoon, then he should	2 Q. How did you become aware?
3	not answer the question based on the	3 A. I don't recall.
4	editorial privilege.	4 Q. You don't recall?
5	MR. THOMPSON: So we will mark the	5 A. I don't.
6	questions you instruct him not to answer,	6 Q. Well do you recall the first
7	we will get a ruling. Also I just want	7 person who told you that people were offended?
8	to make it clear both of you should not	8 A. No.
9	be speaking on the record. You should	9 Q. So as you sit here today the first
10	not object. We have Jordan Lippner	10 person you can identify who told you that
11	objecting, we have you speaking. Who is	11 people were offended was Rupert Murdoch?
12	defending this deposition?	12 MR. LERNER: Objection.
13	MR. LERNER: I am here as counsel	13 MR. LIPPNER: Objection.
14	for the papers. Mr. Lippner is here as	14 A. I was aware before then.
15	counsel for Mr. Allan.	15 Q. I understand that, but my question
16	MR. THOMPSON: So Mr. Lippner is	16 is different sir. My question is can you
17	going to be counsel for Mr. Allan and	17 identify the first person who told you that
18	your 30(b)(6) witness in this case;	18 people were offended by that cartoon?
19	because that is what we were told?	19 A. I cannot.
20	MR. LERNER: Yes.	20 Q. So as you sit here now the only
21	Q. All right, let's continue Mr.	21 person that you can recall telling you first
22	Allan. So before Rupert Murdoch called you	22 that the cartoon offended people was Rupert
23	did you know that people were offended by the	23 Murdoch?
24	cartoon?	24 MR. LERNER: Objection.
25	A. I became aware, yes.	25 A. I was aware people were offended,
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1	Allan	1 Allan
2	it was on the blogs.	2 Q. Well when you told your boss that
3	Q. So let's go back to that	3 the cartoon wasn't offensive how did he
4	conversation you had with your boss. He	4 respond to that statement?
5	called you up and he told you that he was	5 A. I don't recall.
6	aware that people were offended by that	6 Q. As you sit here today do you still
7	cartoon; correct?	7 believe that cartoon is not offensive?
8	A. Yes.	8 A. Yes.
9	Q. What did you say to him in	9 DI Q. So I want to direct your attention
10	response to his statement that he knew that	10 again to Deposition Exhibit 1, well let me ask
11	people were offended?	11 you another question before I go to that
12	A. I told him the cartoon was not	12 exhibit again.
13	offensive. I told him that it mocked the	13 Do you believe that it was a
14	Congressional stimulus bill, and that that was	14 mistake to publish that cartoon?
15	clear, and that it was my opinion that it was	15 MR. LIPPNER: Mr. Allan, with
16	inoffensive.	16 respect to the decision to publish the
17	Q. It was not offensive?	17 cartoon you as a journalist have an
18	A. Yes.	18 editorial privilege not to comment on the
19	Q. Did you say anything else to	19 decision to publish or not publish
20	Mr. Murdoch during that telephone call?	20 material in your newspaper, and on that
21	A. I don't recall.	21 basis I would advise you not to answer
22	Q. Do you recall if he said anything	22 that question.
23	else to you about the cartoon during that	23 Q. Mr. Allan, are you going to answer
24	call?	24 that question?
25	A. I don't believe so.	25 A. I am going to take the advice of

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1	Allan complained about the monkey cartoon? A. That is correct. Q. When was the very first time Jennifer Juhn told you about Ms. Guzman's complaint about the cartoon; was it the day it was published or sometime after that? MR. LIPPNER: Objection. A. I don't recall. Q. Well did you go to HR to have this conversation with Jennifer Juhn or did she come to your office? MR. LIPPNER: Objection. A. She called me. Q. What did she say when she called you? A. She told me that Sandra was upset about the cartoon, that she had friends who were upset, and she was seeking an explanation from the company. Q. Who was seeking an explanation from the company? A. Sandra Guzman. Q. What did Sandra Guzman want the company to explain according to Jennifer Juhn?	1 Allan MR. LERNER: Objection. A. Why it was published. Q. Did Jennifer Juhn tell you anything else during that call? A. Only that there was no offense meant in the paper publishing the cartoon and that it had been misunderstood, although she appreciated that Sandra had taken offense. Q. So Jennifer Juhn told you that the paper did not intend to offend anyone with the cartoon? A. She told me she had so informed Sandra Guzman. Q. Did she describe to you Sandra Guzman's demeanor at the time? A. Yes. Q. What did she describe about Ms. Guzman's demeanor? A. She was upset. Q. Did Ms. Juhn describe how upset Ms. Guzman was? A. Just upset. Q. Did she tell you that she was crying?
1	Allan A. No. Q. Did she tell you that she was tearful? A. No. Q. Did Ms. Juhn tell you that Sandra Guzman told her that she believed that the monkey cartoon reflected a racist work environment at the New York Post? A. No. Q. Did Ms. Juhn tell you that Sandra Guzman said that the monkey cartoon reflected a sexist work environment at the New York Post? A. No. Q. Did she tell you that Sandra Guzman said that the monkey cartoon reflected a discriminatory work environment at the New York Post? A. No. Q. Did she tell you anything else during that call? A. No. Q. How long did the call last? A. I don't recall.	1 Allan Q. Do you have any idea? A. Couple of minutes. Q. Well in a couple of minutes many things can be said; correct? MR. LIPPNER: Objection. A. Correct. Q. Do you recall anything else that either Ms. Juhn said or you said when she called you to tell you that Sandra Guzman had complained to her about the cartoon? A. No. Q. Did you ever speak to Ms. Juhn again about the fact that Ms. Guzman had complained about the cartoon? A. I don't recall. Q. In February of 2009 who was the person in charge of human resources at the New York Post? A. It was either Jennifer Juhn or Amy Scialdone. Q. Jennifer Juhn? A. Jennifer Juhn, yes. Q. So did Jennifer Juhn tell you that she was going to take any other action with

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1	Allan	Allan
2	Q. So you only remember if a	A. Yes. Sometimes.
3	competitor attacks the Post, but not an	Q. What type of work have you
4	employee attacks The Post?	performed at Langan's for the Post?
5	A. Yes, it is a different thing.	A. Well I entertain my staff, I have
6	Q. Mr. Allan, did you ever show	lunch occasionally with people I know in
7	Sandra Guzman a picture of a naked man during	business.
8	her employment as an associate editor?	Q. Do you also edit the paper
9	A. I believe I did, yes.	occasionally from Langan's?
10	Q. When did you show Ms. Guzman a	A. Never, impossible.
11	picture of a naked man?	Q. Do you also talk about potential
12	A. I believe it happened in a bar.	stories that may appear in the paper while you
13	Q. What bar?	are at Langan's?
14	A. Langan's.	A. Of course.
15	Q. Where is that?	Q. Is Langan's a bar that many New
16	A. 47th Street.	York Post employees go to after work?
17	Q. Is it a bar that you have been to	MR. LERNER: Objection.
18	many times?	A. Yes.
19	A. Often, yes.	Q. When Sandra Guzman worked at the
20	Q. Is it a bar that other New York	company was that true?
21	Post employees go to?	A. Yes.
22	A. Yes.	Q. Did you ever see her at Langan's?
23	Q. Is it a bar that you have	A. Yes.
24	performed work related activities in	Q. Did you ever see her more than
25	connection with the Post?	once at Langan's?
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1	Allan	Allan
2	A. Yes.	the male editor that was there along with
3	Q. How many times did you see Sandra	Jesse Angelo?
4	Guzman at Langan's?	A. It may have been David Boyle, but
5	A. I don't know, several.	I am not certain.
6	Q. When she worked at the company did	MR. LIPPNER: Don't guess.
7	other editors who reported to you also go to	THE WITNESS: Sorry.
8	Langan's?	Q. What year did this occur?
9	A. Yes.	A. I am sorry, I can't recall.
10	Q. They went with you to Langan's?	Q. Did you go to Langan's with
11	A. No, I often saw them there.	Ms. Guzman?
12	Q. When you saw those other editors	A. No. I walked there by myself.
13	at Langan's did you also talk about work	Q. Did you see her standing there?
14	related matters?	A. Yes, when I walked in.
15	A. Of course.	Q. Why don't you describe what
16	Q. Describe who was -- strike that.	happened after you walked into Langan's that
17	Identify who was present when you	day?
18	showed Sandra Guzman a picture of a naked man	A. I had a drink with Jesse Angelo
19	in Langan's?	and I think there was somebody else there. We
20	A. My memory is not clear, but I	were standing at the bar and we were
21	believe Jesse Angelo was there. Another male	subsequently joined by Sandra Guzman and
22	editor. I think Danica Lo was there. Sandra	whomever was with her.
23	Guzman. Maybe one other. Forgive me, my	Q. Did they come over to you?
24	memory is unclear.	A. Yes, and I bought them a round of
25	Q. You don't recall the identity of	drinks.

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1	Allan	Allan
2	Q. So Sandra Guzman, and was she with	Jersey.
3	Danica Lo or somebody else?	Q. Who at the time --
4	A. I think Danica Lo was there, I am	MR. LIPPNER: Are you done with
5	sorry, I don't remember.	your answer?
6	Q. So continue, what happened after	THE WITNESS: Yes.
7	Ms. Guzman and other employees came up to you?	Q. When you say the governor of New
8	A. I bought them a drink. At some	York are you referring to Jim McGreevey?
9	point I received an E-mail from the office	A. Yes.
10	that contained for my perusal a picture of a	Q. So you knew that, or thought that
11	naked man.	the Post was going to get a picture --
12	Q. Who sent you that picture?	A. I knew that we had --
13	A. Somebody on the photo desk.	Q. A lewd picture?
14	Q. Do you recall who?	A. Yes, I knew that we had obtained a
15	A. I don't.	lewd picture of the governor.
16	Q. Did the E-mail say anything about	Q. Right.
17	the picture of the naked man?	A. And I had asked before I left the
18	A. I don't recall.	office because it was getting late in the day,
19	Q. What happened after you received	that they might E-mail it to me.
20	the picture of the naked man by E-mail?	Q. Please continue?
21	A. I was aware of what it was. I had	A. The purpose of the E-mailing it to
22	been told by whomever was editing the Sunday	me was for me to consider it for publication.
23	paper at the time that we were likely going to	This was undertaken in the context of the
24	obtain a picture, a lewd picture of a man that	scandal surrounding the governor's sex life,
25	sat above the bed of the governor of New	which was public knowledge. And I showed it
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1	Allan	Allan
2	to Jesse Angelo who was with me and we briefly	Q. Did you receive this picture on
3	discussed it. Whether or not or how we might	your Blackberry?
4	be able to publish the picture in a way that	A. Yes, sir.
5	was not offensive to people.	Q. Do you still have that picture on
6	Q. What did you say to Mr. Angelo and	your Blackberry?
7	what did he say to you about that?	A. I have an iPhone now, so I don't
8	A. Well we discussed the obvious,	know.
9	that we would have to disguise his groin, we	Q. Did you ever save that picture on
10	would have to cover it up.	your Blackberry?
11	Q. Because you didn't want to offend	A. I don't know.
12	anyone; right?	Q. So what happened -- strike that.
13	A. Precisely.	Were you and Jesse Angelo just
14	Q. Because you would agree people,	talking among yourselves about how you can
15	some people may get offended if they had to	publish this photo without offending anyone?
16	look at a picture of a naked man with his	MR. LIPPNER: Objection.
17	genitals exposed?	A. We were standing at the bar
18	A. Possibly.	discussing it.
19	Q. So did you and Jesse Angelo talk	Q. Was it just the two of you
20	about anything else regarding that picture?	discussing it at that time?
21	A. No, we just discussed that it was	A. Yes.
22	sort of a striking image for the governor of	Q. Then what happened next?
23	New Jersey to have over his bed, and that we	A. One of the ladies asked us what we
24	discussed how we might be able to make it	were talking about.
25	suitable for publication.	Q. Who?

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1	Allan	1 Allan
2	Q. Who is the owner of Langan's?	2 form.
3	A. Des O'Brien.	3 A. He was friendly with Dunlevy.
4	Q. Des O'Brien?	4 Q. How did you two end up talking
5	A. O'Brien.	5 about Dunlevy's sex life?
6	Q. When did Des O'Brien tell you	6 A. I met him, Dunlevy had introduced
7	about Steve Dunlevy having sex with a woman in	7 us, and in the course of that introduction or
8	the closet at Langan's?	8 soon after he told me the story about Dunlevy.
9	A. When I first got here, I guess in	9 Q. And you and Steve Dunlevy had gone
10	2001, 2002.	10 to Langan's on many occasions; correct?
11	Q. What did he tell you about that	11 A. No.
12	incident?	12 Q. You did go to Langan's with Steve
13	A. He told me that he had found	13 Dunlevy?
14	Dunlevy having sex with a woman in the closet.	14 A. Occasionally.
15	Q. At Langan's?	15 Q. You guys would have drinks; right?
16	A. Yes, sir.	16 A. Yes.
17	Q. Did he say if the women's leg was	17 Q. You were not only employees of the
18	hanging out the closet?	18 company, you were friends?
19	A. No, sir.	19 A. Yes.
20	Q. Did he describe the woman at all?	20 Q. So where were you when you
21	A. Not that I recall.	21 repeated this story that Des O'Brien told you
22	Q. How did you and the owner of	22 about Steve Dunlevy having sex with a woman in
23	Langan's end up talking about Steve Dunlevy	23 the closet at Langan's; were you in the
24	having sex with a woman in Langan's?	24 workplace at 1211 Avenue of the Americas or
25	MR. LERNER: Objection to the	25 some other place?
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1	Allan	1 Allan
2	MR. LIPPNER: Objection.	2 Langan's that day when you ended up telling
3	A. I was at Langan's.	3 Ms. Guzman about how Steve Dunlevy had sex
4	Q. Was anyone else present?	4 with a woman in the closet at Langan's?
5	A. A bunch of people.	5 MR. LIPPNER: Objection.
6	Q. Do you recall who was present?	6 Mischaracterizes the testimony.
7	A. Not really.	7 A. There were a group of people as I
8	Q. Sandra Guzman?	8 stated, Dunlevy I think was there or had left.
9	A. New York Post people.	9 He became the topic of some conversation
10	Q. New York Post employees?	10 because he is a character of note, and I
11	A. Yes.	11 subsequently stated that I had been told by
12	Q. Was Sandra Guzman present?	12 Des O'Brien that he had found him having sex
13	A. Yes.	13 in the closet.
14	Q. Was this the same day you showed	14 Q. Why did you tell Sandra Guzman
15	the picture, the lewd picture of the naked man	15 that?
16	to Ms. Guzman that was on your BlackBerry?	16 A. I told a bunch of people that.
17	A. No.	17 Q. My question is why did you tell
18	Q. Different day?	18 Ms. Guzman that?
19	A. I believe so.	19 MR. LIPPNER: Objection.
20	Q. Besides Ms. Guzman who else was	20 A. I thought she would be amused.
21	there from the New York Post or the News	21 Q. So you thought that Sandra Guzman
22	Corp.?	22 would be amused to hear her boss tell her
23	A. I don't remember. I don't	23 about how another male employee had sex with a
24	remember.	24 woman in Langan's?
25	Q. Well describe what happened in	25 A. Yes.

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<p>1 Allan</p> <p>2 Q. Who is she?</p> <p>3 A. She used to work in I think the</p> <p>4 travel department.</p> <p>5 Q. Was she an older employee?</p> <p>6 A. Older, what does that mean?</p> <p>7 Q. How old was she when she worked at</p> <p>8 the paper?</p> <p>9 A. 40 or 45.</p> <p>10 Q. Did you ever refer to Poochie Myer</p> <p>11 by stating you can't teach old bitches new</p> <p>12 tricks?</p> <p>13 A. I never said that.</p> <p>14 Q. Did you say anything like that?</p> <p>15 A. I don't think so.</p> <p>16 Q. Did you say anything about</p> <p>17 teaching old tricks in connection with Poochie</p> <p>18 Myer?</p> <p>19 A. I don't believe so.</p> <p>20 Q. You say you don't believe so Mr.</p> <p>21 Allan --</p> <p>22 A. It is not the sort of thing I</p> <p>23 would say. I don't recall.</p> <p>24 Q. Let me clarify. Did you say you</p> <p>25 can't teach old bitches new tricks in</p>	<p>1 Allan</p> <p>2 reference to Poochie Myer, yes or no?</p> <p>3 A. No.</p> <p>4 Q. Did you ever say anything about</p> <p>5 teaching new tricks in connection with Poochie</p> <p>6 Myer?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did anyone ever tell you that</p> <p>9 Poochie Myer accuses you of saying you can't</p> <p>10 teach old bitches new tricks in reference to</p> <p>11 her?</p> <p>12 A. I never heard that.</p> <p>13 Q. That would be totally offensive;</p> <p>14 correct?</p> <p>15 A. You bet.</p> <p>16 Q. In violation of the company's</p> <p>17 discrimination policy; right?</p> <p>18 A. Yes.</p> <p>19 Q. And sexual harassment policy;</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Now did you ever refer to a black</p> <p>23 female employee as that damn girl?</p> <p>24 A. Yes, I did.</p> <p>25 Q. Tell us what happened on that</p>
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<p>1 Allan</p> <p>2 occasion Mr. Allan?</p> <p>3 A. The phones were ringing, this</p> <p>4 person was supposed to answer my phone amongst</p> <p>5 others because my assistant was away from the</p> <p>6 office. And the phones were ringing and I</p> <p>7 walked out of my office and I raised my voice</p> <p>8 and I said something like can somebody tell</p> <p>9 that damn girl to answer the phones.</p> <p>10 Q. Who was the black employee that --</p> <p>11 black female employee that you were referring</p> <p>12 to?</p> <p>13 A. I don't know her name.</p> <p>14 Q. Why did you refer to that black</p> <p>15 female employee as a damn girl?</p> <p>16 A. I was upset, phones were not being</p> <p>17 answered, I was wrong.</p> <p>18 Q. Was she a woman or a little girl?</p> <p>19 A. She was a woman.</p> <p>20 Q. Do you think it is appropriate Mr.</p> <p>21 Allan as the Editor-in-Chief of the Post to</p> <p>22 refer to a woman as a damn girl?</p> <p>23 A. No. It is wrong.</p> <p>24 Q. Did you ever apologize to that</p> <p>25 female employee for referring to her as quote,</p>	<p>1 Allan</p> <p>2 a damn girl?</p> <p>3 A. No, sir.</p> <p>4 Q. If you believe referring to her as</p> <p>5 a damn girl was wrong why didn't you ever</p> <p>6 apologize to her?</p> <p>7 A. I didn't come to that conclusion</p> <p>8 for some time.</p> <p>9 Q. Well eventually you did come to</p> <p>10 the conclusion; right?</p> <p>11 A. Yes.</p> <p>12 Q. After you came to the conclusion</p> <p>13 did you apologize to that young lady?</p> <p>14 A. I am sorry, I don't remember who</p> <p>15 she was. She may have left the company, I</p> <p>16 don't know.</p> <p>17 Q. Did you ever inquire as to whether</p> <p>18 that young lady still works at the Post?</p> <p>19 A. No.</p> <p>20 Q. Why not if you came to the</p> <p>21 conclusion that it was wrong to refer to her</p> <p>22 as a damn girl?</p> <p>23 A. I can't answer that question.</p> <p>24 Q. When you referred to this black</p> <p>25 female employee as a damn girl was that in</p>

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1	Allan	Allan
2	correct?	intended to be President Barack Obama; is that
3	A. Yes.	correct?
4	Q. Would you agree that one of the	A. That is incorrect.
5	cops depicted in this cartoon is stating --	Q. Do you recall ever referring to
6	strike that -- states: They will have to find	the protesters outside the building as being
7	someone else to write the next stimulus bill?	minorities and uneducated?
8	A. Yes.	A. No.
9	Q. Now, Mr. Allan, would you agree	Q. Did you ever refer to the
10	that in the February 18, 2009 edition of the	protesters outside of the building at 1211
11	New York Post there was a picture of President	Avenue of the Americas as being minorities?
12	Barack Obama signing the stimulus bill in	A. No.
13	Denver, Colorado?	Q. Did you ever refer to the
14	A. I don't recall.	protesters outside the building as being
15	Q. Do you recall that there was a	uneducated?
16	picture of the president signing the stimulus	A. No.
17	bill before the page that contained this	Q. Were the protesters -- strike
18	cartoon?	that.
19	A. I don't recall.	You said earlier I think there
20	Q. Do you recall that the New York	were hundreds of protesters in front of the
21	Post also ran an editorial which referred to	building?
22	the stimulus bill as Obama's stimulus bill in	A. Yes.
23	that same paper on February 18, 2009?	Q. Did you see them?
24	A. I don't recall.	A. Yes.
25	Q. The ape in this picture was	Q. Could you tell if they were mostly
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1	Allan	Allan
2	people of color?	filed on your behalf it states that: The
3	A. Yes.	plaintiff spoke with Mr. Rabinowitz about the
4	Q. Did they have signs?	cartoon.
5	A. I don't recall.	Do you know if that is true?
6	Q. Did they appear to be angry?	A. I don't know.
7	A. Yes.	Q. Joe Rabinowitz never told you that
8	Q. Did you know that they were	Ms. Guzman spoke to him about the cartoon?
9	accusing the New York Post of being racist in	A. Not that I recall.
10	connection with this cartoon?	Q. Did you review this answer before
11	A. Yes.	it was filed?
12	Q. Mr. Allan, your attorneys in this	A. I don't recall.
13	case filed an answer to Ms. Guzman's amended	Q. Would you have expected Joseph
14	complaint on behalf of News Corporation, New	Rabinowitz to tell you that Ms. Guzman spoke
15	York Post and yourself. Are you aware of	to him about the cartoon if that had happened?
16	that?	A. Yes.
17	A. Yes.	Q. Why?
18	Q. In paragraph 81 of the answer that	A. It is not unimportant.
19	was filed on your behalf states that: The	Q. So you would agree, would you not
20	plaintiff spoke with Ms. Jennifer Juhn	Mr. Allan, the fact that Ms. Guzman spoke to
21	regarding the cartoon.	Joe Rabinowitz about the cartoon was
22	Do you know if that was true or	important?
23	not?	A. Yes.
24	A. Yes.	Q. This is something that you should
25	Q. In paragraph 84 of the answer	have known about; correct?

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1	Allan	Allan
2	sir?	A. I don't recall.
3	A. I don't recall.	Q. Would it have been inappropriate
4	Q. Was she allowed to go to cover	for an article to have been published about
5	that ceremony for the New York Post?	Kevin Rudd in the New York Post based on your
6	A. No.	relationship with him?
7	Q. Why not?	A. I didn't have a relationship with
8	A. Because she had told us that she	him.
9	was a friend of Justice Soto Mayor and	MR. LERNER: Objection.
10	therefore I felt that she had been conflicted.	Q. He was a friend of yours; correct?
11	Q. Conflict?	A. No. I never testified that he was
12	A. Yes. We don't assign people to	a friend. I knew him for one day.
13	cover people on the basis of friendships.	Q. Now Ms. Guzman was terminated in a
14	Q. When Kevin Rudd ran for Prime	meeting with Joe Rabinowitz and someone from
15	Minister of Australia did you cover him in the	HR; correct?
16	New York Post?	A. I don't know.
17	A. No.	Q. Let me ask you, do you know who
18	Q. Is it your testimony that there	conveyed to Ms. Guzman that she was being
19	was not a single article written in the New	terminated as an associate editor at the Post?
20	York Post -- can I finish -- about the fact	A. Jennifer Jehn.
21	that Kevin Rudd was running for Prime Minister	Q. How do you know that Jennifer Jehn
22	of Australia?	conveyed that to her?
23	A. I don't recall it.	A. She is the head of HR.
24	Q. Do you recall if there was ever an	Q. Other than the fact that she is
25	article in the New York Post about Kevin Rudd?	the head of HR do you know if Jennifer Jehn
	Page 396	Page 397
1	Allan	Allan
2	actually met with Ms. Guzman in connection	A. Yes.
3	with the termination?	Q. Do you see it states open,
4	A. That is my recollection.	Haberman, Z, associate metro editor?
5	Q. Mr. Allan, I am now showing you	A. Yes.
6	Allan Deposition Exhibit 21, which is Bates	Q. So when Ms. Guzman was terminated
7	stamped NYP 3892, I ask you to take a moment	there was an open associate editor position at
8	to look at that document.	the paper; is that correct?
9	(Allan Exhibit 21, Bates stamped	A. Correct.
10	NYP 3892, marked for identification,	Q. Was any discussion Mr. Allan about
11	as of this date.)	possibly allowing Ms. Guzman to remain
12	A. Yes.	employed at the company after Tempo was
13	Q. Do you recognize this document	closed?
14	sir?	A. Yes. I asked three editors if
15	A. Yes.	there was a position in their departments or
16	Q. What is it?	anywhere at the paper that Ms. Guzman might
17	A. An open jobs report.	fill at her compensation.
18	Q. What is an open jobs report?	Q. Who were those three editors?
19	A. Jobs that are vacant at the	A. Michelle Gotthelf, Jesse Angelo
20	newspaper.	and Catherine Pushkar.
21	Q. This one is dated October 12,	Q. Who is Catherine Pushkar?
22	2009; correct?	A. She was a features editor.
23	A. Yes.	Q. Did you meet with those three
24	Q. So this is dated weeks after Ms.	editors together or individually when you
25	Guzman was terminated; correct?	inquired as to whether there was another

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1 Allan 2 position for Ms. Guzman? 3 MR. LIPPNER: Objection. 4 A. Independent. 5 Q. Did you take any notes? 6 A. No. 7 Q. Where did those meetings take 8 place? 9 A. I don't recall. 10 Q. Was anyone else present besides 11 you and each of those editors? 12 A. No. 13 Q. What is the metro desk at the 14 Post? 15 A. Metro desk is the city desk, it is 16 responsible for the reporters who cover the 17 city. 18 Q. Heart of the paper; correct? 19 A. Yes. 20 Q. Why wouldn't Ms. Guzman be allowed 21 to take that open position when Zach Haberman 22 left the paper? 23 A. Her compensation was \$135,000 a 24 year, this job is open at \$82,000 a year. 25 Q. Mr. Allan, I understand that there	1 Allan 2 was a difference between the salary, but why 3 didn't you at least offer it to Ms. Guzman 4 before she was fired? 5 A. It is my view that an employee who 6 had been forced to take a very large pay cut 7 in the order of \$55,000 or \$50,000, would not 8 be a happy employee. 9 Q. Is it your position that that 10 employee would be happier losing \$137,000 as 11 opposed to 50,000? 12 MR. LERNER: Objection. 13 A. I made that decision in the 14 interest of the newspaper. I didn't believe 15 it was appropriate or right to offer her a job 16 that would have caused her such a significant 17 pay cut. 18 Q. Did you think it was more 19 appropriate to fire her, she would have no 20 job? 21 A. She was hired to produce Tempo, 22 Tempo had ceased to exist. 23 Q. But she worked on 25 other 24 sections -- 25 MR. LIPPNER: Were you done with
Page 400	Page 401
1 Allan 2 your answer? 3 THE WITNESS: Yes. 4 Q. She was working on 25 other 5 sections of the paper at the time the Tempo 6 was closed; is that correct? 7 MR. LERNER: Objection. That is a 8 fact not in evidence. 9 Q. Correct? 10 A. Sorry? 11 Q. Isn't it a fact that Ms. Guzman 12 was working on 25 other sections of the paper 13 at the time she was terminated? 14 MR. LERNER: Objection. 15 A. She was working on other sections. 16 Q. How many other sections? 17 A. I don't know. 18 Q. So she wasn't only working on 19 Tempo; correct? 20 A. I asked that she be offered work 21 on other sections of the newspaper because 22 Tempo had become so emaciated that it was no 23 longer occupying much of her time. I mean it 24 was coming out once a month and it was tiny, 25 it was small.	1 Allan 2 Q. Isn't it true that you never once 3 considered offering Ms. Guzman that open 4 position that became vacant after Zach 5 Haberman left the paper? 6 A. I considered it and I decided not 7 to do it. 8 Q. Mr. Allan, could you put the 9 Deposition Exhibit 4 in front of you? 10 A. Exhibit 4. 11 Q. It should be there? 12 A. Sorry. 13 Q. It is number 5 -- look at this one? 14 A. Yes. 15 Q. I want to direct your attention to 16 page 7 of that document? 17 MR. LERNER: What exhibit number? 18 MR. THOMPSON: 5. 19 Q. Do you see where it says interrogatory number 8? 20 A. Yes. 21 Q. Do you see there is a list of names there and in response to that interrogatory, Bill Hoffman, Zach Haberman,

<p style="text-align: right;">Page 502</p> <p>1 Col Allan 2 someone named Lizzie Sullivan? 3 A I don't recall. 4 Q Do you know who Lizzie Sullivan is? 5 A The name rings a bell, but that's 6 all. 7 Q Do you recall whether she ever worked 8 as a photographer at the New York Post? 9 A She may have done so. 10 Q And have you ever been in same room 11 with Ms. Sullivan and Ms. Guzman? 12 A It's possible. 13 Q Have you ever been in the same room 14 as Ms. Sullivan and Ikimulisa Livingston? 15 A I don't know. 16 Q Have you ever been in the same room 17 as Ms. Sullivan and Austin Fenner? 18 A I don't know. 19 Q When you say it's possible that you 20 may have been in the same room with Ms. Guzman and 21 Ms. Sullivan, are you thinking of any particular 22 occasions? 23 A No. I occasionally go to Post 24 functions and there are possible there. Sometimes 25 there are lots of people, sometimes not so many</p>	<p style="text-align: right;">Page 503</p> <p>1 Col Allan 2 people. I don't know. I don't recall. 3 Q Any particular venues where you 4 believe you would have been in the same room with 5 Ms. Guzman and Ms. Sullivan? 6 A Not that I recall. 7 Q Did you ever, on any occasion, dance 8 with Ms. Sullivan? 9 MR. LERNER: Objection. 10 A No. 11 Q Have you ever had any physical 12 contact with Ms. Sullivan? 13 A No. 14 Q Are you aware of any discussion 15 regarding alleged physical contact between 16 yourself and Ms. Sullivan on the part of anybody 17 at the New York Post? 18 MR. LERNER: Objection. 19 A Yes. Vaguely, yes. 20 Q How did you become aware of that 21 discussion? 22 A I don't recall. I don't -- I don't 23 remember. 24 Q And what was the substance of what 25 was alleged regarding any contact between you and</p>
<p style="text-align: right;">Page 504</p> <p>1 Col Allan 2 Ms. Sullivan? 3 MR. LERNER: Objection. Are you 4 referring to allegations in this lawsuit? 5 MR. PEARSON: I'm referring to 6 documents that have been produced in 7 connection with this lawsuit. 8 MR. LERNER: Go ahead. 9 MR. PEARSON: Can the question be 10 read back for the witness, please? 11 (Record read.) 12 A I recall a claim that was made at 13 some point that I had interacted with her on a 14 dance floor at a function but -- or a claim that I 15 had danced with her, but that is simply not true. 16 Q So, at no time did you ever have any 17 such interaction with Lizzie Sullivan? 18 A I walked across the floor of a 19 function room or a bar downtown where there was a 20 Post function. I was going from here to there, 21 one point to another, it caused me to walk across 22 what may have been a dance floor, and I recall 23 that somebody, and I assume it was Ms. Sullivan, 24 made as if to, I guess, kind of dance with me, but 25 I didn't stop. I kept going.</p>	<p style="text-align: right;">Page 505</p> <p>1 Col Allan 2 MR. LERNER: Mr. Allan, I would just 3 advise you, don't assume -- 4 THE WITNESS: Right. 5 MR. LERNER: -- if you don't know -- 6 THE WITNESS: I don't know. 7 MR. LERNER: -- something. 8 A I don't know, I kept going. 9 Q And what kind of function was that? 10 A I don't recall. 11 Q Was Ms. Guzman in attendance? 12 A I don't recall. 13 Q Were any other members of the Post's 14 executive committee in attendance? 15 A I believe Paul Carlucci was there. 16 Q Anyone else from the committee? 17 A Maybe Jennifer Juhn. 18 Q Others? 19 A I don't recall. 20 MR. LERNER: Again, don't speculate 21 or guess. 22 A All right. 23 Q And apart from counsel as always, did 24 you discuss -- or, I should say, don't provide any 25 substance of any conversations with counsel, but</p>